

# SUMMARY ACTION MINUTES

## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA



*Tuesday, August 17, 1999, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**CHARLES V. SMITH**  
Chairman  
First District

**THOMAS W. WILSON**  
Vice Chairman  
Fifth District

**JAMES W. SILVA**  
Second District

**TODD SPITZER**  
Third District

**CYNTHIA P. COAD**  
Fourth District

ATTENDANCE: All members were present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER  
COUNTY COUNSEL  
CLERK OF THE BOARD

Janice M. Mittermeier  
Laurence M. Watson  
Darlene J. Bloom

INVOCATION: Supervisor Coad, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance to the Flag

### **I. PRESENTATIONS/INTRODUCTIONS**

Chairman Smith introduced Mrs. Dora Salazar Watkins, Consul General of Peru

### **II. CONSENT CALENDAR (Items 1-28)**

23451 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 22 WHICH WAS  
PULLED FOR DISCUSSION AND SEPARATE VOTE**

### **BOARD APPOINTMENTS**

1. **Chairman Smith** - Reappoint Clark Lehmann, Fountain Valley, to the Waste Management Commission for a term ending 7/14/01  
FILE 1149 BCC

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2. **Supervisor Silva** - Reappoint Mary Aileen Matheis, Irvine, to Assessment Appeals Board 2 for a term ending 9/1/02  
FILE 1059 BCC
3. **Supervisor Wilson** - Reappoint John E. Noyes, Newport Beach, to the Waste Management Commission for a term ending 7/1/01  
FILE 1149 BCC

## DEPARTMENT APPOINTMENTS

4. **Health Care Agency** - Emergency Medical Care Committee: Appoint Leslie Demesmaecker, Orange; Gerald Shigekawa, Orange; Melville Singer, Orange; James Troung, Anaheim and reappoint David Austin, Cerritos; Burnie Dunlap, Fullerton; Gary Fybel, Mission Viejo; Rick Graves, Fountain Valley; F. Richard Jones, Fullerton; James Karras, Santa Ana; Marc Martin, Santa Ana; Kenneth Miller, Orange; Donald Niehaus, Tustin; Martin Ogle, Laguna Hills; David Rudat, Orange; James Spreine, Laguna Beach, for terms ending 6/30/01  
FILE 1084 BCC

## COMMENDATIONS/PROCLAMATIONS

5. **Supervisor Spitzer** - Adopt resolution congratulating Honorable Insurance Commissioner Chuck Quackenbush in receiving the Anti-Defamation League Torch of Liberty Award and commending him for his excellent work  
FILE 20853  
R99-335
6. **Supervisor Coad** - Adopt resolution commending and recognizing Social Services Agency and Health Care Agency for collaboratively developing, funding and staffing Continuing Care Placement Unit  
FILE 20853  
R99-336

## HEALTH CARE AGENCY

7. Adopt resolution authorizing discontinuance of cash difference fund and establish new cash difference fund under jurisdiction of Juliette A. Poulson (\$320) - All Districts  
FILE 21673  
R99-337

## HOUSING AND COMMUNITY DEVELOPMENT

8. **Acting as the Orange County Housing Authority** - Approve submission of Section 8 Management Assessment Program certification required by Department of Housing and Urban Development for monitoring performance of Section 8 tenant - based programs - All Districts  
FILE 21674

## PUBLIC FACILITIES AND RESOURCES DEPARTMENT

9. Approve lease with John Efstathiou for operation of Salt Creek Beach concession - District 5  
FILE 21125
10. Approve agreement D99-060 with City of Placentia for reconstruction of Yorba Linda Blvd - District 4  
FILE 21675
11. Approve agreement D99-009 with City of Costa Mesa for slurry seal of various streets – Districts 2 & 5  
FILE 21676

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12. Adopt resolution approving agreement 99-0126 with State Department of Pesticide Regulation for data entry of pesticide use reports, 7/1/99 - 6/30/00 (\$20,100) - All Districts  
FILE 21677  
R99-338
13. Adopt resolution approving agreement 99-0040 with State Department of Pesticide Regulation for mandated enforcement of pesticide permit regulations, 7/1/99 - 6/30/00, (\$61,705) - All Districts  
FILE 21678  
R99-339
14. Adopt resolution approving agreement 99-0081 with State Department of Pesticide Regulation for mandated enforcement of pesticide residue regulations, 7/1/99 - 6/30/00 (\$5,200) - All Districts  
FILE 21679  
R99-340
15. Approve amended agreement D97-085 and Letter of Credit with DMB Ladera, LLC and authorize acceptance of cash and other security for construction of Crown Valley Parkway Bridge over Arroyo Trabuco; and make California Environmental Quality Act findings - District 5  
FILE 19986
16. Approve agreement D97-006 with UNOCAL for land donation for widening of Valencia Avenue, Brea - District 3  
FILE 21680
17. Adopt resolution approving intent to abandon parcel in O'Neill Regional Park in exchange for parcel owned by Rancho Margarita Joint Venture and set public hearing for 10/19/99 - District 5 (unanimous vote)  
FILE 21681  
R99-341-342
18. Accept work and approve notice of completion, Pinner Construction Company, for installation of generator and cooling towers during construction of Central Utility Facility-Cooling Tower, Santa Ana; project completed 6/30/99 (\$2,125,483) - District 1  
FILE 17338
19. Approve agreement with Tait and Associates, Inc. for architectural and engineering services, for design of dark fiber optics conduit construction project, Santa Ana (\$43,300) - District 1  
FILE 21356

### PUBLIC PROTECTION

20. **Probation** - Approve price agreement N1000002088 with Cabletron Systems for maintenance and repair of equipment, 9/1/99 - 8/31/00 (\$83,415.32); renewable for two additional years - All Districts  
FILE 21682
21. **Sheriff-Coroner** - Approve Memorandum of Understanding for the Los Angeles County and Orange County Regional High Tech Crime Task Force - All Districts  
FILE 21683

### GENERAL ADMINISTRATION

22. **County Counsel** - Approve amended agreement with McCutchen, Doyle, Brown & Enerson LLP, to include services for review of El Toro Master Development Program documentation - All Districts  
124 35 **APPROVED AS RECOMMENDED**  
NN  
FILE 21432

## SUMMARY ACTION MINUTES

23. **County Executive Office** - Approve agreement with Ms. Joanne Sokolski for professional services as Chief of Protocol, 7/1/99 - 6/30/00 (\$75,000, plus reimbursements) - All Districts

FILE 21684

24. **Chairman Smith** - Adopt resolution designating United Way of Orange County to conduct the 1999 charitable campaign for Orange County employees, 9/27/99 - 10/22/99, and appoint District Attorney, Anthony Rackauckas as campaign coordinator and head of employee steering committee to plan, coordinate and execute the campaign

FILE 21685

R99-343

### **Clerk of the Board:**

25. Approve proposed amendments to adopt the State's model code as the Conflict of Interest Code for Irvine Ranch Water District - All Districts

FILE 00000

26. Approve proposed amendments to adopt the State's model code as the Conflict of Interest Code for Huntington Beach City School District - All Districts

FILE 00000

27. Approve proposed State's model Conflict of Interest Code for Rancho Canada Financing Authority - All Districts

FILE 00000

28. **Clerk-Recorder** - Approve purchase order PC059P0008102.00 with Computer Sonics, Inc. for replacing and upgrading existing systems in data entry, imaging, official records, public access and marriages (\$99,806) and approve related budget adjustments - All Districts (4/5 vote)

FILE 21686

### END OF CONSENT CALENDAR

### III. DISCUSSION ITEMS (Items 29-41)

#### HEALTH CARE AGENCY

29. Approve agreement with Aspen Solutions, Inc. for provision of behavioral health services – probation program, 7/1/99 - 6/30/00 (\$1,210,035) - All Districts

FILE 21687

54321 **APPROVED AS RECOMMENDED**

30. Approve agreement with United Western Medical Centers Hospital Corporation dba Western Medical Center-Anaheim for mental health inpatient services, FY 1999-01 (\$1,715,500) - All Districts

45231 **APPROVED AS RECOMMENDED**

FILE 21688

31. Approve amendment 4 to agreement with The Villa Center, Inc. (\$127,945; new total 684,886); amendment 3 to agreement with Social Model Recovery Systems, Inc. (\$44,300; new total \$992,441); amendment 3 to agreement with Straight Talk Clinic, Inc. (\$6,920; new total \$753,092); and amendment 2 to agreement with Behavioral Health Services, Inc. (\$340,000; new total \$449,500) for provision of various alcohol and drug abuse services - All Districts

FILE 21689

24351 **APPROVED AS RECOMMENDED**

# SUMMARY ACTION MINUTES

## INTEGRATED WASTE MANAGEMENT DEPARTMENT

32. Approve change order 3 to agreement with TRC Environmental Solutions, Inc. for construction management, quality assurance/quality control, archaeological and paleontological services, Olinda Alpha Landfill (\$198,839; new total \$2,198,626) - District 3 FILE 18881  
32451 **APPROVED AS RECOMMENDED**

## PLANNING AND DEVELOPMENT SERVICES

33. Approve price agreements N1000002096 with Intratek and N1000002097 with Boston Systems for help desk support (\$270,000); renewable for two additional years - All Districts FILE 21690  
34251 **APPROVED AS RECOMMENDED**

## PUBLIC FACILITIES AND RESOURCES DEPARTMENT

34. Select PCR Services Corporation as primary and CH2MHILL as alternate architectural-engineering firms to assist in obtaining regulatory permits to repair storm damaged facilities; and authorize negotiation of agreement for Board approval - All Districts FILE 21691  
54231 **APPROVED AS RECOMMENDED**

## SOCIAL SERVICES AGENCY

35. Approve agreement with Children's Home Society of California for provision of child care resource and referral services for CalWORKs Welfare-To-Work Participants, 9/1/99 - 8/31/00 (\$377,712) - All Districts FILE 21692  
42351 **APPROVED AS RECOMMENDED**

## PUBLIC PROTECTION

36. **Probation** - Approve amended agreement with City of Santa Ana for provision of juvenile detention services - District 1 FILE 18648  
13245 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

### **County Executive Office:**

37. Consider second reading and adoption of "An Ordinance of the County of Orange Establishing the Salary of Members of the Board of Supervisors" (first reading 8/10/99, Item 23) - All Districts FILE 21669  
5421 3 **APPROVED AS RECOMMENDED** O99-18  
N  
38. Approve and adopt the County's Management Pay for Performance Plan and new performance appraisal process - All Districts FILE 21693  
43251 **APPROVED AS RECOMMENDED**

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39. Approve amended agreement with LSA Associates, Inc. for preparation of a toxic air contaminant Health Risk Assessment as a component of the draft Environmental Impact Report for the MCAS El Toro Reuse Plan (\$108,507) - All Districts FILE 18705  
52341 **APPROVED AS RECOMMENDED**
40. Approve appointment and terms and conditions of employment of Public Health Officer - All Districts FILE 21694  
B.O. **CONTINUED TO 8/24/99, 9:30 A.M.**
41. **Supervisor Spitzer and Chairman Smith** - Adopt resolution designating the Board of Supervisors as sole authority on liability and worker's compensation claims settlements of \$50,000 and above; designating the Liability and Worker's Compensation Claims Settlement Committees as advisory committees to the Board; and direct CEO/Office of Risk Management to provide an annual report to the Board 30 days prior to the budget hearings FILE 21695  
35241 **APPROVED AS AMENDED TO CHANGE RECOMMENDED ACTIONS 2 & 3 TO HAVE THE TWO MEMBERS OF THE BOARD OF SUPERVISORS BE THE CHAIRMAN AND THE VICE-CHAIRMAN AND THAT IN THE EVENT EITHER DECLINE TO SERVE, THE CHAIRMAN SHALL SELECT ANOTHER MEMBER OF THE BOARD TO SERVE; AND TO ADD RECOMMENDED ACTION 5 THAT THIS PROCESS BECOMES EFFECTIVE 9/1/99**  
R99-344

### **IV. PUBLIC HEARINGS**      None

### **V. CLOSED SESSION (Item CS-1)**

- CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL -- PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The cases are: People of State of California ex. rel. Department of Fish and Game, et. al., v. BP American, Inc., et al. (OCSC No. 64-63-39) and appeals therefrom - All Districts FILE 20862  
B.O. **HELD, NO REPORTABLE ACTION**
- SCS-2. County Counsel – CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION – County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: Anaheim Union High School District, et al. v Orange County Health Care Agency, et al. OCSCCJC Case No. 810447 – All Districts FILE 20862  
B.O. **HELD, THE CHAIRMAN READ INTO THE RECORD: WITH RESPECT TO THE CASE REFERENCED IN SCS-2, THE BOARD AUTHORIZED COUNTY COUNSEL TO FILE A CROSS-COMPLAINT AGAINST ANAHEIM UNION HIGH SCHOOL DISTRICT AND OTHERS**

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SCS-3. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION: County Counsel requests a closed session to brief the Board of Supervisors on the status of pending litigation pursuant to Government Code Section 54956.9(a). The cases are: In re Debtor County of Orange, USBC CDC Case No. SA 94—22272-JR; County of Orange, et. al. v. Merrill Lynch & Co. etc., et al., Adversary Case No. SA 95-1045-JR; County of Orange v. KPMG Peat Marwick, et. al., Adversary Case No. SA 95-2424-JR; County of Orange v. Rauscher Pierce Refsnes, Inc., Adversary Case No. SA 96-1623-JR; County of Orange v. Standard & Poors, et. al., Adversary Case No. SA 96-1624-JR; County of Orange v. Student Loan Marketing Association, Adversary Case No. SA 96-1625-JR; County of Orange v. LeBoeuf, Lamb, Green & MacRae, Adversary Case No. SA 96-1626-JR; County of Orange, et; al. v. Fuji Securities, Inc., Adversary Case No. SA 96-01959-JR; County of Orange, et al. v. Morgan Stanley & Co. Inc., Adversary Case No. SA 96-1627-JR; County of Orange, et al. v. Federal Home Loan Bank of Boston, et al., Adversary Case No. 96-02187; County of Orange, et al. v. Federal National Mortgage Association, Adversary Case No. 96-02188; County of Orange v. Brown & Wood, etc., et al., Adversary Case No 96-02189; County of Orange, et al. v. Agamerica, et al., Adversary Case No. 96-02190; County of Orange, et al. v. BA Securities, Inc., Adversary Case No. 96-02191; County of Orange, et al. v. Bear Stearns & Co., Inc., Adversary Case No. 96-02192; and County of Orange, et al. v. Paribas Corp., Adversary Case No. 96-02194 – All Districts FILE 20862

B.O. **HELD, THE CHAIRMAN READ INTO THE RECORD: WITH RESPECT TO THE CASES REFERENCED IN SCS-3, AUTHORIZED COUNTY COUNSEL TO OPPOSE ANY MOTION OR OTHER PROCEEDING INSTITUTED BY THE LAW FIRM OF HENNIGAN, MERCER & BENNETT TO OBTAIN ADDITIONAL ATTORNEYS' FEES IN CONNECTION WITH WORK PERFORMED ON CASES ARISING OUT OF THE COUNTY'S BANKRUPTCY**

### **VI PUBLIC, BOARD COMMENTS AND EMAIL AND ADJOURNMENT:**

#### **PUBLIC COMMENTS:**

*Eric Norby* – Oral RE: approval of Board adopted changes to claims settlement policy and lack of support for additional compensation requested by Hennigan, Mercer & Bennett

#### **BOARD COMMENTS:**

*All Board Members* – Oral RE: appreciation and support of Eric Norby's comments

*Chairman Smith* – Oral RE: his intention to review current delegation of authority to Planning Commission

**ADJOURNED:** 11:04 a.m.

41235 **ADJOURNED IN MEMORY OF CHARLES YOUNG**

# SUMMARY ACTION MINUTES

\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. v Chairman Smith
- 2. v Supervisor Silva
- 3. v Supervisor Spitzer
- 4. v Supervisor Coad
- 5. v Supervisor Wilson

- A. v Abstained
- X. v Excused
- N. v No
- BO v Board Order

## *Right Margin Notes*

- O. v Ordinance
- R. v Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*CHARLES V. SMITH, CHAIRMAN*  
*Orange County Board of Supervisors*

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*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*